

ORDINANCE NO. 2370

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DUNCANVILLE, TEXAS, BY REPEALING CHAPTER 10 ("GARBAGE AND TRASH") IN ITS ENTIRETY; AND REPLACE WITH A NEW CHAPTER 10 ("GARBAGE AND TRASH"); PROVIDING A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Duncanville approved a Municipal Materials Management Agreement with Republic Waste Services of Texas, Ltd., on July 16, 2019; and

WHEREAS, such Agreement requires Chapter 10, "Garbage and Trash", be modified accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS:

SECTION 1. That sections 10-1, 10-2, 10-3, 10-4, 10-5, 10-6, 10-7, 10-8, 10-9, 10-10, 10-11, 10-12 and 10-13 of Chapter 10 ("Garbage and Trash") shall be and are hereby repealed and replaced in its entirety, which shall read as follows:

"CHAPTER 10 - GARBAGE AND TRASH

Sec. 10-1. Definitions.

The following words and terms, when used in this chapter, shall have the meaning respectively ascribed to them in this section:

Bags. Plastic sacks designed to store residential garbage and rubbish with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed thirty-five (35) pounds. Bags are the approved containers for residential properties, duplexes and apartment complexes containing not more than ten units and not using commercial-type containers.

Bin. (Residential Recycling). See Recycling Bin.

Brush. Tree and shrub trimmings which are not susceptible to placement in regulation containers.

Bulky Waste. Includes small and large appliances such as stoves, refrigerators (with all CFC and other refrigerants removed), water tanks, washing machines,

furniture, fencing materials, water heaters and other similar items. Bulky waste shall not include any Excluded Waste.

Bundle. Tree, shrub, brush trimmings and fence panels securely tied together and forming package not exceeding four (4) feet in width or fifty (50) lbs. in weight. A Bundle shall not include any Excluded Waste.

Construction Debris. Non-compactable building materials resulting from construction, remodeling, repair or demolition operations at a Residential Unit, Municipal Facility, or Large Commercial or Industrial Unit, including but not limited to, carpet, shipping cartons, concrete, excelsior, gypsum board, metal, plastic, rubber and wood products. Construction Debris does not include Hazardous Waste.

Containers for Large Commercial and Industrial Units. Containers for garbage and trash collection shall be provided by the Contractor to large commercial and industrial customers upon request of the customer to the Contractor. The commercial containers provided shall be: (i) equipped with suitable covers to prevent blowing or scattering of refuse; (ii) maintained in good repair, appearance, and in a sanitary condition; and, (iii) clearly marked with Contractor's name and telephone number in letters not less than two (2) inches in height. Mechanical commercial-type portable containers shall be kept secure and fastened, so that flies and other insects, rodents or animals may not have access to the contents. The doors or covers to the containers shall not be opened except while the containers are being filled or emptied.

Contractor. City's solid waste collection and transportation Contractor.

Customer. Any owner, occupant, tenant, or person otherwise in control of any premises located within City on which garbage, rubbish, recyclable materials, yard waste or bulky waste accumulated and from which the same is removed or required to be removed pursuant to the terms of the chapter.

Disposal Site. A Waste Material depository which includes, but is not limited to, sanitary landfills, transfer stations, incinerators, recycling facilities and waste processing/separation centers licensed, permitted or approved by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals to receive for processing or final disposal of Waste Material and Small Dead Animals.

Excluded Waste. Excluded Waste is all bulky waste (except as otherwise provided), large commercial and industrial refuse, construction debris, large dead animals, institutional solid waste, hazardous waste, offal waste, stable matter, vegetable waste, and special waste.

Garbage. All putrescible solid and semisolid wastes, including but not limited to rubbish; trash; small dead animals; waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds,

fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); except any matter included in the definition of Excluded Waste.

Hazardous Waste. A form of Excluded Waste and is defined as any radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, biohazardous, toxic or listed or characteristic Hazardous Waste as defined by federal, state, provincial or local law or any otherwise regulated waste. Hazardous Waste shall include, but not be limited to, any amount of waste listed or characterized as hazardous by the United States Environmental Protection Agency or any state agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended, and including future amendments thereto, and any other applicable federal, state or local laws or regulations.

Industrial Permanent Unit. A premise or location requiring Large Commercial and Industrial Refuse collection for a continuous term.

Industrial Temporary Unit. A premise or location requiring Large Commercial and Industrial Refuse collection on only a temporary basis. The collection time period is limited to a specific event or a short-term project.

Institutional Solid Waste. Solid waste originating from education, health care and research facilities such as schools, hospitals, nursing homes, laboratories and other similar establishments.

Large Commercial and Industrial Refuse. All Bulky Waste, Construction Debris, Garbage, Rubbish and Stable Matter generated at a Large Commercial or Industrial Unit.

Large Commercial or Industrial Unit. All premises, locations or entities, public or private, requiring Garbage and Rubbish collection within the corporate limits of City that are not classified as a Residential Unit or Municipal Facility.

Large Dead Animals. Animals or portions thereof equal to or greater than ten pounds (10 lbs.) in weight that have expired from any cause, except those slaughtered or killed for human use.

Multi-Family. The term multi-family shall refer to all residential dwelling units of more than one (1) unit considered to be condominiums, or apartment houses.

Municipal Facility. City of Duncanville facilities.

Offal Waste. Waste animal (land or marine) matter from establishments such as butcher shops, slaughterhouses, food processing and packing plants, rendering plants and fertilizer plants.

Premises. A building or portion of a building occupied by the owner or by a tenant.

Recycle Cart. A plastic container for storage of recycling materials equipped with wheels, handles and a tight-fitting cover and capable of being mechanically unloaded into the Contractor's collection vehicles. A Recycle Cart will be provided as an optional service by the Contractor directly to residential and small commercial "hand collect" customers. The Contractor is responsible for collecting the cart fee directly from the customer.

Recyclable Materials. Recyclable materials are used and/or discarded materials that are capable of successful processing and sale on the commodity market. Only approved Recyclable Materials are eligible for recycling by the City.

Recycling. The collection of Recyclable Materials from customers by Contractor, including delivery of Recyclable Materials to recycle/disposal facilities.

Recycling Bin. A receptacle, provided by the City or Contractor that is designed for the purpose of curbside or alley collection of Recyclable Materials and is constructed of plastic, metal or fiberglass and having handles of adequate strength for lifting. The mouth of a container shall have a diameter greater than equal to that of the base. The weight of a container and its contents shall not exceed 35 lbs.

Residential Unit. Pertaining to any structure or premises used for permanent living quarters, including conventional one-family residences, house, dwelling, duplexes (two-family residences), mobile homes, or apartment (multiple-family) complexes containing not more than ten dwelling units and not using commercial-type containers and located within the corporate limits of the City and occupied by a person or group of persons. A Residential Unit shall be deemed occupied when water is being supplied to the property. A condominium dwelling, whether of single or multi-level construction, consisting of four or less contiguous or separate single-family dwelling units, shall be treated as a Residential Unit, except that each single-family dwelling within any such Residential Unit shall be billed separately as a Residential Unit. A Residential Unit shall include a Small Commercial Unit.

Rubbish. All discarded wood, wood chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of Excluded Waste.

Small Commercial "Hand Collect" Unit. A small commercial business who produces no more than 20 bags of trash per collection day including, but not limited to, offices, stores, service stations, amusement centers, churches, etc. located within the boundaries of the City.

Small Dead Animals. Animals or portions thereof less than ten pounds (10 lbs.) in weight that have expired from any cause, except those slaughtered or killed for human use.

Solid Waste. Useless, unwanted or discarded materials with insufficient liquid content to be free-flowing, that result from domestic, industrial, commercial, agricultural, governmental and community operations which require proper storage, collection, transportation and disposal to prevent environmental pollution hostile to public health, safety and welfare. Solid Waste does not include sewage, earth or material used to fill land in accordance with construction codes, mining residues, slag, dissolved or suspended solids in industrial wastewater effluents which are not acceptable for disposal in sanitary sewage treatment system or any material included in the definition of Excluded Waste.

Special Waste. Any nonhazardous solid waste which, because of its physical characteristics, chemical make-up, or biological nature requires either special handling, disposal procedures including liquids for solidification at the landfill, documentation, and/or regulatory authorization, or poses an unusual threat to human health, equipment, property, or the environment. Special Waste includes, but is not limited to:

- (1) Waste generated by an industrial process or a pollution control process.
- (2) Waste which may contain residue and debris from the cleanup of spilled petroleum, chemical or commercial products or wastes, or contaminated residuals.
- (3) Waste which is nonhazardous as a result of proper treatment pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 ("RCRA").
- (4) Waste from the cleanup of a facility which generates, stores, treats, recycles or disposes of chemical substances, commercial products or wastes.
- (5) Waste which may contain free liquids and requires liquid waste solidification.
- (6) Containers that once contained hazardous substances, chemicals, or insecticides so long as such containers are "empty" as defined by RCRA.
- (7) Asbestos containing or asbestos bearing material that has been properly secured under existing Applicable Law.
- (8) Waste containing regulated polychlorinated biphenyls (PCBs) as defined in the Toxic Substances Control Act (TSCA).
- (9) Waste containing naturally occurring radioactive material (NORM) and/or technologically-enhanced NORM (TENORM).

- (10) Municipal or commercial solid waste that may have come into contact with any of the foregoing.

Stable Matter. All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.

Trash. All garbage and rubbish.

Waste Material. All nonhazardous, Solid Waste (including Garbage, Rubbish, Yard Waste and Bulk Waste as indicated herein) and Recyclable Materials generated at Residential Units, Commercial Units, and Municipal Facilities that is not excluded. Waste material shall not include any excluded waste.

Vegetable Waste. Putrescible solid waste resulting from the processing of plants for food by commercial establishments such as canneries. This definition does not include waste products resulting from the preparation and consumption of food in places such as cafeterias and restaurants.

Yard Waste. Grass, leaves, flowers, stalks, stems, tree trimmings, branches, and tree trunks.

Sec. 10-2. Duties of Residential and Small Commercial Hand Collect Customers.

- (a) Every customer shall provide and use approved bags sufficient in number to hold the garbage and trash which accumulates on the premises of said customer. Bags shall not weigh more than thirty-five (35) pounds.
- (b) Every customer shall keep all garbage and rubbish containers used securely closed in such a manner as to prevent the scattering of the bag contents. The garbage and rubbish shall be inaccessible to insects, rodents and other animals. It shall be an offense and violation of this chapter to fail to secure bags.
- (c) All garbage or rubbish that is mixed with water or other liquids shall be drained before being put into a garbage or rubbish bags. All animal matter subject to decomposition shall be well wrapped in paper or other combustible material before being deposited in such bag.
- (d) If after having been timely placed garbage and rubbish for collection, and the bags are not collected by the Contractor within a period of 24 hours of scheduled collection, the customer shall promptly notify the City's Sanitation Department.

Sec. 10-3. Residential garbage and trash – collection frequency, placement and collection point, and time of placement.

(a) Collection Frequency. The Contractor shall provide curbside and alley service for residential waste with all residential customers receiving service twice per week according to designated collection schedule.

(b) Placement and Collection Point.

(1) case, garbage shall only be placed for collection at the rear property line adjacent to the alley. The waste shall be placed as close to the roadway as practical without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, the waste shall be placed as close as practical to an access point for the collection vehicle.

(2) If it is not practical for customer to place bags for collection at locations hereinabove provided, the Public Works Director or his duly authorized representative shall designate the point most easily accessible for collection in such instances.

(c) *Time/Day of placement.* All bags shall be placed at the prescribed locations by 7:00 a.m. on the designated collection day. It shall be unlawful for any customer to place any containers of garbage or household trash prior to the collection day.

Sec. 10-3.1. Residential waste bundled brush and bulky waste preparation, collection frequency, placement and collection point, and time of placement.

(a) Preparation.

(1) For yard waste collection services, grass, pine needles, leaves, flowers, stalks, stems, and small tree trimmings (less than two (2) feet in length and less than two (2) inches in diameter) shall be placed in a bag, or box the weight of which shall not exceed thirty-five (35) pounds.

(2) Larger tree trimmings and branches shall be bundled and laid neatly in piles at the trash collection point (e.g., curbside or alley, at location where trash is picked up).

(3) Branches (less than four (4) feet in length and less than six (6) inches in diameter) shall be cut and tied in a bundle which shall not exceed fifty (50) pounds.

i. The trimmings shall be laid neatly in piles at the same location in which the Resident's garbage is collected.

ii. Contractor shall have no obligation to collect more than four (4) cubic yards of yard waste and bulky waste per month from each residential unit. Any collection needed by a residential unit in excess of (4) cubic yards must be individually contracted by the residential unit

customer with Contractor under terms, prices and documents acceptable to both the residential unit customer and Contractor.

- iii. Contractor hired by the City shall have no obligation to collect yard waste from a residential unit resulting from third-party tree trimming service.

(b) Collection Frequency.

- (1) The collection and removal of brush and bulky waste from premises used for residential purposes shall be made one (1) time per month of up to a total of four (4) cubic yards of bulky waste and brush per collection. Bundled brush and bulky waste will be collected by Contractor according to the designated bulky waste and brush collection schedule.
- (2) Any bundled brush and bulky waste collections needed by a residential unit in excess of four (4) cubic yards must be individually and directly contracted by the customer with the Contractor. The Contractor shall provide an estimate to the customer before the items are collected. The Contractor will bill customer directly for this overage service and will remove the bulky waste and brush.

(c) Placement and Collection Point.

- (1) The bundled brush and bulky waste shall be stacked at curbside with the larger ends placed toward the curb or street or placed for collection at the rear property line adjacent to the alley, if refuse is collected in alley. All vines and thorny bushes shall be placed in disposable containers. The bundled brush and bulky waste shall be placed as close to the roadway as practical without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, the waste shall be placed as close as practical to an access point for the collection vehicle.
- (2) If it is not practical for customer to place the waste for collection at location hereinabove provided, the Public Works Director, or his duly authorized representative, shall designate the point most easily accessible for collection in such instances.

(d) Time of Placement.

- (1) The bundled brush and bulky waste shall be placed at the prescribed location by 7:00 a.m. on the designated collection day. It shall be unlawful for any customer to place any bundled brush and bulky waste at the collection point prior to the Saturday before the collection week.

Sec. 10-3.2. Residential recycling collection — preparation, collection frequency, placement and collection point, and time of placement.

- (a) Recycling bins will be provided to residential customers, upon request, for collection of recycling materials. As an option, residential customers may request and obtain a recycling cart from the Contractor for an additional monthly fee to be collected from the customer by the Contractor.
- (b) Preparation of Recycling Materials. All recycling material must be empty, clean and dry. Only Recycling Materials as designated by the City as acceptable for recycling are eligible for recycling. All other materials must be disposed of as other waste. Approved recyclable materials consist only of the following items:
 - (1) Aluminum food and beverage containers - aluminum soda and beer cans, cat food cans, etc.
 - (2) Ferrous cans - soup, coffee cans, etc.
 - (3) P.E.T. plastic containers with the symbol #1 - no microwave trays
 - (4) H.D.P.E. natural plastic containers with the symbol #2 - milk jugs and water jugs containers only (narrow neck containers)
 - (5) H.D.P.E. pigmented plastic containers with the symbol #2 - detergent, shampoo, bleach bottles without caps (narrow neck containers); butter and margarine tubs
 - (6) Polypropylene plastic food and beverage containers symbol #5 - yogurt containers
 - (7) Mixed paper (54), as defined in the most recent ISRI Scrap Specifications circular
 - (8) Sorted residential paper and news (56), as defined in the most recent ISRI Scrap Specifications circular
 - (9) Kraft paper bags
 - (10) Old corrugated containers (OCC) – no wax coated
 - (11) Magazines (OMG) – coated magazines, catalogues and similar printed materials, junk mail, and soft cover books.
- (c) Collection frequency. All residential customers shall receive recycling service once per week according to designated collection schedule.

(d) Placement and collection point.

- (1) It shall be the duty of each customer of residential unit in the City to place all recycling in recycling bin or optional recycling cart for collection at curbside on the street, except residences abutting paved alleys, in which case, the recycling bin or optional recycling cart shall only be placed for collection at the rear property line adjacent to the alley. The recycling shall be placed as close to the roadway as practical without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, the waste shall be placed as close as practical to an access point for the collection vehicle.
- (2) If it is not practical for customer to place recycling bin or optional recycling cart containers for collection at location hereinabove provided, the Public Works Director, or his duly authorized representative, shall designate the point most easily accessible for collection in such instances.

- (e) Time of placement. All recycling bins or optional recycling carts shall be placed at the prescribed collection point by 7:00 a.m. on the designated collection day. It shall be unlawful for any customer to place any recycling bin or optional recycling cart at the collection point prior to the collection day. All recycling carts and recycling bins shall be stored outside of public view, when viewed from street, at all other times.

Sec. 10-4. Residential rates and collection of charges.

- (a) Residential rates. Except for a new home under construction, where a customer has an active water account with the City, said charges shall be due and payable simultaneously with charges for water service. Apartment complexes (multi-family) containing not more than ten units and not using commercial-type containers without a separate water meter for each unit, shall be billed to the customer receiving the water bill and that customer shall be liable for the payment of such charges, for each unit.

The City Council shall, by resolution, establish fair and reasonable fees for such services as imposed by the master fee schedule ordinance. These fees, payable monthly, shall be with respect to all residential properties according to the following categories:

- (1) Single-family and duplex (two-family) residential customer, curbside service, per dwelling unit (plus applicable sales tax).
- (2) Single-family and duplex (two-family) residential customer, alley service, per dwelling unit (plus applicable sales tax).

- (3) Apartment (multi-family) complex with not more than ten dwelling units and not using commercial-type containers, curbside services, per dwelling unit (plus applicable sales tax).
- (4) Apartment (multi-family) complex with not more than ten dwelling units and not using commercial-type containers, alley service, per dwelling unit (plus applicable sales tax).

An optional recycling cart may be rented for single-family, duplex (two-family) and apartment residential customers for a fee as specified by Contractor per recycling cart (plus applicable sales tax). This charge will be invoiced to the customer by the City's Contractor.

- (b) Collection of charges. The charges fixed herein for the removal and disposal of all garbage and rubbish shall be collected as similar charges are collected by the City, or by the Contractor, as the case may be. A person who fails or refuses to pay the charges by the due date may have his /her garbage and water service suspended, and the Public Works Director shall be notified immediately for appropriate action in accordance with the provisions of this Chapter.

Sec. 10-5. Commercial, institutional, industrial and apartment complexes (containing more than ten units) customers; - container, collection frequency, placement and collection point; charges.

- (a) Container.

- (1) Commercial and industrial containers which meet City's specifications for garbage and rubbish collection will be supplied by the Contractor upon request of the owner or occupant of any premises within the corporate limits of the City, excluding single family and duplex residences.
- (2) The collection and removal of garbage and rubbish from houses, buildings and premises used for commercial, institutional or industrial purposes, or from apartment complexes containing more than ten units, shall be accomplished only with the use of commercial-type containers, unless mutually agreed upon by the customer and the Public Works Director, or the Contractor. When mutually agreed upon by the customer and the Public Works Director or the Contractor, small offices and businesses operating as suites at a common street address may join together as a distinct single customer and utilize approved disposable containers for collection and removal of trash (no organic waste is permitted). In such a case, one premise shall be identified as the commercial account for billing purposes. Charges shall be as specified for commercial accounts serviced by residential garbage trucks.
- (3) Contractor shall bill customer directly for such service.

- (4) It shall be the duty of the owner or person otherwise in control of commercial, institutional, and industrial property, or apartment complexes containing more than ten units within the City to cause all garbage and rubbish accumulated on said premises to be placed in approved commercial-type containers and be placed at a location on the premises which is readily accessible to the collector and approved by the Public Works Director or by the Contractor who is under contract with the City to collect such garbage and trash. Commercial-type containers shall be placed at a location on the premises arranged by the customer and the public works director, or by the customer and the Contractor who may be collecting garbage and trash under contract with the City.
- (b) **Collection Frequency.** The collection and removal of garbage and rubbish from houses, buildings, and premises used for commercial, institutional or industrial purposes, or apartment complexes with more than ten units, shall be made as often as necessary in order to maintain such premises free of accumulations of garbage and rubbish. In this regard, garbage collection shall be made not less than two times each week.
- (c) **Placement and Collection Point.** Commercial and industrial containers shall be placed at a location on the premises which is readily accessible to the Contractor and approved by the Contractor and/or Public Works Director.

10-5.1. Commercial, institutional, industrial and apartment complexes - containing more than ten units; charges.

- (a) *Charges. Commercial-type containers.* Charges for all commercial, collection shall be as agreed on in the entity's contract with the Contractor.
- (b) *Collection of charges.* The charges fixed herein for the removal and disposal of all garbage and trash shall be entered by the City or Contractor as the case may be, against the customer, and such charges shall be collected as similar charges are collected by the City, or by the Contractor, as the case may be. A person who fails or refuses to pay the charges herein specified by the due date may have his garbage and water service suspended, and the Public Works Director shall be notified immediately for appropriate action in accordance with the provisions of this chapter.

Sec. 10-6. Collection to be carried on in systematic, efficient and sanitary manner.

The collection, removal and disposal of all garbage, trash, rubbish and recycling materials shall be carried on in a systematic, efficient manner, to keep the entire City in a clean and sanitary condition.

Sec. 10-7. Prohibited acts.

- (a) Unlawful to litter. It shall be unlawful for any person to sweep, throw, or deposit any garbage, rubbish, trash, debris, stagnant water, dead animals, or grass clippings into, upon, or along any drain, gutter, alley, sidewalk, street, creek or storm sewer inlet, or vacant lot, or upon any public or private premises within the City owned by others.
- (b) Maintaining littered premises. It shall be unlawful for any person owning or in control of any premises within the City to permit any of the conditions described in paragraph (a), above, to exist upon property owned or controlled by him after having actual or constructive notice thereof.
- (c) Open bins prohibited. It shall be unlawful for any person to deposit or maintain trash in open bins or other containers not designated as approved containers, as that term is herein defined.
- (d) Burning materials. It shall be unlawful for any person to deposit any burning match, charcoal, ember or other material in any container used for the disposal of garbage, trash or any other flammable substance.
- (e) Scavenging prohibited. It shall be unlawful for any person other than an authorized employee of the City, or a commercial trash hauler acting under franchise or license from the City, to collect, tamper with, interfere with, scavenge from, or otherwise disturb garbage or trash which has been placed for collection on public or private property as provided by this chapter.
- (f) Commercial dumpsters. It shall be unlawful and an offense for any person to:
 - (1) place trash, garbage, debris, grass clippings, or brush near or on top of a commercial dumpster without placing the same within the dumpster with the door or lid securely closed; or,
 - (2) place trash, garbage, debris, or brush into a commercial dumpster on property owned or controlled by others. It shall be a defense for violation of this section that the owner or person in control of the commercial dumpster authorized such trash, garbage, debris, or brush to be placed into such dumpster.

Sec. 10-8. Private collection and disposal.

- (a) No person, except the duly authorized agents or employees of the City and persons acting pursuant to a contract with the City for public collection and disposal, shall empty garbage or trash on the streets, alleys, and public thoroughfares of the City.

- (b) It shall be unlawful for any person to engage in the collection or transportation of garbage and rubbish, recyclables from any premises within the City boundaries unless authorized by the City.
- (c) Identification of vehicles. All trucks and containers used for the collection and transportation of garbage and rubbish, brush and bulky items, and recyclables shall be clearly marked with the owner's name and telephone number in letters not less than two inches high, and it shall be an offense to operate such vehicles without the identification.
- (d) All vehicles used for the collection and transportation of garbage and rubbish, and recyclables shall be enclosed or covered with net, canvas or wire, to prevent the contents thereof from falling or blowing into the public streets or adjacent property, and it shall be an offense to operate such vehicles in the City without such covers.

Wastes from building operations; tree-trimming operations.

- (e) Rock, waste, scrap building materials, or other trash resulting from construction or major remodeling, resulting from a general cleanup of vacant or improved property just prior to its occupancy, or resulting from sizable amounts of trees, brush and debris cleared from property in preparation for construction will not be removed by the City or its Contractor as a part of as regular service. The property owner, tenant or occupant must have such debris removed at their expense. Alternately, the property owner, tenant, occupant, etc., may contract directly with the City's Contractor or third party for removal of the tree-trimming waste.
- (g) Wastes from tree-trimming operations shall be disposed of by the property owner, tenant, occupant and/or any person employing a contractor, tree trimmer, or other person to trim or prune trees or shrubs to cause, at their own expense, said trimmings to be removed from the premises. Alternately, the property owner, tenant, occupant, etc., may contract directly with the City's Contractor or third party for removal of the tree-trimming waste.

Sec. 10-10. Scavenging prohibited.

It shall be unlawful and an offense for any person, except duly authorized agents or employees of the City, Contractor, or other persons acting under a contract with the City, to collect, take, remove, tamper with, interfere with, scavenge from, carry away, or otherwise disturb trash, garbage, brush or recyclable goods which have been placed for collection in receptacles or containers at collection points for collection by the City, Contractor, persons acting under a contract with the City.

Sec. 10.11. Hours of Operation and Holidays

(a) Hours of Operation. Collection of residential garbage, rubbish, recycling, bulky waste and brush shall not start before 7:00 a.m. or continue after 7:00 p.m. on collection day. Exceptions to collection hours may occur as mutually agreed to by the City and Contractor, or when Contractor reasonably determines that an exception is necessary in order to complete collection on an existing collection route due to unusual circumstances.

(b) Holidays. The following holidays shall be observed:

- (1) New Year's Day;
- (2) Independence Day;
- (3) Labor Day
- (4) Thanksgiving Day; and
- (5) Christmas Day.

(c) Contractor may suspend collection service on any of these holidays. City will notify Customers of garbage collection service days.

Sec. 10.12. Collection Support to Mobility Impaired.

Customers who are mobility impaired may file a request with the City to have trash and recycling picked-up at their door. Upon receipt of such request, the City and Contractor will assess the request for service to validate this requirement. There is no additional fee for this service."

SECTION 2. That all ordinances of the City of Duncanville, Texas in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Duncanville, Texas not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Duncanville, Texas as heretofore

amended, and upon conviction shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

SECTION 6. That this ordinance shall take effect from and after its passage and the publication of the caption as the law and Charter in such cases provide.

SECTION 7. This Ordinance shall take effect October 15, 2019.

DULY PASSED by the City Council of the City of Duncanville, Texas, on the 15th day of October, 2019.

APPROVED:

Barry L. Gordon, Mayor

ATTEST:

Kristin Downs, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney